

**Alexandria Township
Land Use Board
Meeting Minutes February 18, 2021**

Chair Rochelle called the regular meeting of the Alexandria Township Land Use Board to Order at 7:33 pm. This Virtual Meeting is called pursuant to the provisions of the Open Public Meetings Act. Both adequate and electronic notice of this virtual meeting has been provided by way of publication in the Hunterdon County Democrat newspaper on or about January 28, 2021. In addition, notice of the meeting was posted on the door of the Alexandria Township Municipal Office located at 242 Little-York Mt. Pleasant Road, Milford and any handicapped-accessible entrances thereto; posted on the municipal website; provided to the municipal Clerk and distributed to all persons, if any, requesting copies of same. This meeting is being recorded with both audio and video and may be rebroadcast. This meeting is a judicial proceeding, any questions or comments must be limited to the issues that are relevant to what the Board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

MEMBERS PRESENT: Chair Rochelle, Papazian, Freedman, Fritsche, Canavan, Tucker, Committeeman Kiernan, Deputy Mayor Pfefferle, Giannone, Pauch, Kimsey, and Hahola

MEMBERS ABSENT: None

OTHERS PRESENT: Guy Wilson – Substitute, LUB Attorney, David Banisch – LUB Planner, Tom Decker – LUB Engineer, Bill Edelston – applicant Attorney, Joseph Vezzosi - applicant, Rosalie Vezzosi - applicant, Katrina Campbell – applicant Attorney, Robert Aromando – applicant, Steve Potter – applicant, Peter Fleming – Applicant attorney, Eric Rupnarain – applicant engineer, and Steve Parker- applicant engineer.

Minutes Approval

A motion to approve the January 21, 2021 Regular Meeting Minutes of the Land Use Board was made by **Tucker** and seconded by **Fritsche**. **Ayes:** Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Deputy Mayor Pfefferle, Giannone, and Pauch. **Abstain:** Committeeman Kiernan. **No Nays.** **Motion Carried.**

A motion to approve the January 21, 2021 Reorganizational meeting minutes of the Alexandria Township Land Use Board was made by **Papazian** and seconded by **Pauch**. **Ayes:** Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Deputy Mayor Pfefferle, Giannone, and Pauch. **Abstain:** Committeeman Kiernan. **No Nays.** **Motion Carried.**

New and Pending Matters

- Potter – Minor Subdivision – Completeness Review
Block 4 Lots 9.01 & 10
410 Goritz Rd & Goritz Rd

Mr. Potter, applicant and Mr. Rupnarain, applicants' engineer, were present on behalf of the applicant. **Mr. Canavan** recused himself at 7:39pm, his residence is within the 200' list. Mr. Rupnarain advised that

the applicant owns two properties, the first lot 9.01 is a smaller lot that is presently a little over 8 acres, the second lot 10 is located to the rear, and is a land locked property that presently does not have any road frontage or access. The applicant is proposing to create a flag staff from lot 9.01 to access lot 10. **Decker** advised he issued a second completeness review letter on February 12, 2021 after receiving supplemental information. He recommended that the application be deemed complete with waiver granted for completeness purposes for A-35 - the delineation of field identified wetlands where wetlands are identified on the property by the NJDEP Freshwater Wetlands are identified on the property by NJDEP GIS mapping. Note 8 on the submitted plan states that there are wetlands on-site per the NJ GeoWeb mapping application. Wetland's boundaries must be shown on the submitted Plan, or a waiver requested. The flag staff being proposed appears to be well beyond any wetlands. The waiver can be granted for completeness purposes. Other waivers requested were Item B-11 – for adding well and septic location, B-21 – natural resource mapping, B-22 – buildable lot area mapping. He has no objection to granting these waivers for completeness purposes at this point. The applicant is looking to do a minor subdivision adding a 50-foot access strip to the land locked parcel to the rear and are not proposing to make any improvements at this time. Mr. Banisch did not have any additional comments. Roll call was taken for the Board to address any questions. **Freedman** asked if the application has to obtain approval from the Highlands. **Decker** advised that they have been directed to the DEP. He advised that any approval that the Board may grant would be conditioned upon the applicant obtaining approval from the NJDEP. There were no further questions from the Board.

A motion was made to deem the application complete with waivers from checklist items A-35, B-11, B-21 and B-22 by **Fritsche** and seconded by **Pauch**. **Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Tucker, Committeeman Kiernan, Deputy Mayor Pfefferle, Giannone, and Pauch. No Nays. Motion Carried.**

- **Vezzosi – “D” Variance Application – Public Hearing**
Block 18.01 Lot 3
188 Stamets Road

Chair Rochelle recused himself at 7:47pm, **Vice-Chair Papazian** presided. Since this is a “D” Variance application **Deputy Mayor Pfefferle** and **Committeeman Kiernan** were also recused. **Guy Wilson** confirmed with the Board Secretary that the noticing documents were noticed in a timely manner, to all residents, utilities, and agencies within the guidelines. **Decker** issued a letter on January 16, 2021, addressing completeness and technical comments as well. He advised the application is for construction of a second principal dwelling on the same lot. The applicants wish to construct the home while still living in their existing home. Once, the new home is completed they will move out of the existing home and the existing home will be demolished. He advised they are looking to have two principal dwellings on the same lot. He advised his completeness review was done along those lines. He did not get into the improvements proposed because the applicant has not submitted a variance for any non-conformities of the zone. The zoning officer will issue the zoning clearance. He continued there are a few items in the checklist items that are not provided. **Banisch** summarized the application by stating the applicant has an existing dwelling in a non-conforming location on the lot. The applicant proposes to occupy the existing dwelling during construction of the second proposed dwelling and demolish the existing dwelling following issuance of a Certificate of Occupancy for the new dwelling. They are requesting a “D” variance. There is only one detached dwelling per lot at a time and there will be two dwellings temporarily. The existing structure is non-conforming with the front and side yard setbacks. He continued the applicant is proposing the new dwelling will be conforming in all aspects with regards Requirements of the AR zone for a B-1 Single Family detached dwelling.

Per his memorandum comment #6, he recommends that the existing and proposed area and bulk dimensions should be added to the Variance Plan and included in a Table of Bulk Requirements on the Plan. Comment #7 points out that Lot 3 has two road frontages both on Kappus and Stamets Roads. In the lot area there is road right-of-way associated with each of those two streets, the definition of lot area excludes rights of ways. **Banisch** and **Decker** conferred prior to the meeting and concluded even after deductions for the land within lot 3 that is designated road right of way, the lot will still conform to the minimum lot area of 10 acres. So, the Board can disregard comment #7. Comment #8 is asking for a dimension to be added to the plan which is the lot width across the Stamets Road frontage at the front yard setback line. Regarding yard setbacks, the applicant is using the B-16 rural estate residential development, he advised this application appears to be more like a B-1, single family detached dwelling, the applicant and property can conduct the agricultural activities that are being conducted and the applicant can continue to conduct. The issue with the B-16 rural estate residential development option is that that permits development of a lot on a common driveway. In this case this lot has two frontages on public roads, so in his estimation this looks more like a B-1 single-family detached dwelling. **Decker** agreed and said that in his second comment in his zoning review, it indicated a 150-foot rear setback, which would be consistent with the B-16, however he agrees with **Banisch** that it is a B-1 in which case the rear setback would be 100 feet. **Banisch** continued that Comment #11 requests a Lot Coverage calculation on the Variance Plan. Comment #12 advises that there does not appear to be a height calculation for the new dwelling, and should be indicated on the plan. The application says that it will be less than 35 feet, but there is no dimension provided. He continued that the application states that a variance was granted for the construction of a pole barn (year not identified), but the barn was built in a conforming location that did not require the variance it was granted for, but without a height calculation on the barn, the Board would not know if it meets the setback requirements.

Banisch advised there is an existing shed and accessory garage identified on the Variance Plan and it is not clear if they meet setback dimensions. He advised if the Board wants to deal with those non-conforming conditions as part of the application, those would be "C" variances and those dimensions should be identified. Comment #15, the application identifies a 10.28 feet side yard setback for a pole building which clearly exceeds the setback requirement, however there is no pole building identified on the plan. Therefore, he is not sure what building that 10.28 feet applies, and so he advised testimony should be provided about that building and the Variance Plan should be revised to correct the label on the pole barn building and setback dimensions should be added to that structure as well. **Papazian** asked about the two out buildings and if the Board has to address this. **Banisch** advised not if the Board grants the variance to permit the construction of the second dwelling while the first dwelling is occupied that will give the applicant the ability to secure a zoning permit. If the Board is silent on those other non-conforming structures than it is his belief it would not a problem, if something were to happen to those structures though and the applicant wanted to build them back, the applicant might have to come back to the Board for a variance at that time.

Since the applicant is proposing to live in the first dwelling while the second is being built, he advises the applicant has proposed that they will demolish the existing dwelling at such time the applicant receives the CO. However the Board should discuss some sort of guarantee that the first dwelling will be demolished within some reasonable period of time following the issuance of a CO or in leu of that, potentially issuing only a temporary certificate of occupancy. Once the new dwelling is completed, they would not get a permanent certificate of occupancy until the first dwelling is demolished. He feels this has to be managed in any condition of approval that the Board might grant. **Banisch** advised that the board engineer had advised of 60 days in his report and that seems to be a reasonable amount of time to demolish the existing building. **Papazian** asked for a roll call for any questions from the Board. There

no questions from the Board. **Guy Wilson** – Board Attorney confirmed that the **Committeeman Kiernan** and **Deputy Mayor Pfefferle** were not participating in this “D” variance application. He determined that the applicant had properly noticed the owners within the 200’ list, utilities, and County Planning Board and sent the noticing to the Hunterdon County Democrat on February 4th, 2021. Taxes have also been paid, all confirmed by the Board Secretary. **Papazian** asked for a motion to go into the public hearing. A motion was made by **Tucker** and seconded by **Pauch** to open the public hearing. **Ayes: Papazian, Fritsche, Freedman, Canavan, Tucker, Giannone, and Pauch. No Nays. Motion Carried.**

Wilson swore in the engineer, Steve Parker and the applicant, Rosalie Vezzosi. Mr. Parker testified that the Board Planners assessment was correct, the proposal is to have two residences on the property temporary and that Ms. Vezzosi will build a new home and raise the existing home. The new home will be conforming with respect to setbacks, height and will be eliminating a house that is non-conforming. He reviewed a couple of comments that **Banisch** had in his letter. He also confirmed that the area is over 10 acres in size, the easement areas have been deducted. He addressed the comment regarding the lot coverage calculation and it is well under the 10% allowable coverage and is actually 5.4%. He advised he will add that to the plan and that he agrees to the comments in **Banisch’s** and **Decker’s** review letters. Mr. Parker asked if there were any other questions. Attorney **Wilson** asked to confirm that the new structure would be conforming where as the existing building is not conforming in terms of setback, which would be an improvement and something that the MLUL encourages, which is conformity with the setback requirements. Mr. Parker confirmed that was correct. Mr. Edelston, applicant’s attorney interjected that this was a Use Variance and normally it would indicate that there have to be special reasons in support of it and also that there has to be a demonstration of no substantial detriment to the public good and no substantial impairment of the zone plan and zoning ordinance but this is somewhat unusual because the applicant is replacing a residential use with another residential use which is a permitted use in the zone. He would also like to indicate that as far as special reasons, he cited reasons e, g, & i under 40:55D-2 would be sufficient as special reasons to merit the granting of this requested Use Variance. **Banisch** agreed that he thinks those are the purposes of the law that are served by this application. **Wilson** added a. to the list, to encourage municipal action to guide the appropriate use of development of all lands in this State. It appears to him that it meets the requirements of special reasons and appears to be an improvement over the existing, in addition it might meet the second part of that test as it does not afford any sort of substantial detriments to the zoning ordinance if it is in point of fact approved. **Banisch** added in particularly of the fact that it will be in a conforming location and can’t be detrimental to the zoning ordinance and zone plan. He added there does not appear to be any detriment to the public good, due to the conformance of setbacks. **Wilson** added it will be a temporary detriment for a period of a few months while the other structure is being built.

Banisch asked for testimony regarding how long the condition of having two dwellings on one lot will be in effect. Ms. Vezzosi testified they are putting up a modular home, she advised they are hoping to break ground in June and have the house done in September and then take the old house down as soon as they can. She advised they did this on another property at 256 Stamets Road twenty years ago and the old home was taken down a week after they had the new house up. She advised the old house will be raised and will become yard. Mr. Edelston asked Ms. Vezzosi if 60 days would be reasonable to take the old house down once the new home is built. Ms. Vezzosi advised that would be reasonable. The applicant advised the presentation is completed. Roll call was taken for Board comments. **Papazian** advised his only question was if the applicant is going to comply with both of the professional’s letters and he understands that they will comply. **Freedman** asked since we are granting a use variance, how does the use variance then become null once the project is completed. **Wilson** suggested that any

resolution passed by the Board will expire in a period of time on that condition that the completion of the new home and the raising of the old home can be done by the resolution itself. The Board would need to have some reassurance that the raising of the old home will take place. He suggested that could be done by some sort of bond or the deed for the property could be a rerecorded resolution and then upon the granting of the CO of the new house and demolishing the old, a second deed could be recorded indicating that the granting of the use variance has expired. Mr. Edelston suggested to record a deed with the Resolution of Approval if the Board does grant that, and therefore it would indicate a self-executing provision that would indicate that obviously they would have to have that existing structure demolished within the period of time in question. He continued it would be a time limited variance. Therefore, if the old home was not demolished which he believes would not happen, the township would have the option of issuing a zoning violation. He is sure it would be taken down within the timeframe represented. **Wilson** added that also by recording some sort of notice in the deed, if there are any future questions down the road, they would be able to see the home was there and now is no longer there is another added positive benefit of doing something like that. **Banisch** advised this makes sense, he would only add that there be some kind of certification by the zoning officer that the terms and conditions of the variance granted have been certified. **Banisch** added that this way there is a paper trail that the variance has been extinguished. **Wilson** asked if that certification would be in the public records of the township and not in the zoning office and asked if it would be recorded along with the deed. **Banisch** said if the Board feels it is necessary to go with that option, it would be up to the Board. There were no further questions from the Board. **Papazian** asked if there were any members of the public present with any questions. There were none. There was a motion made by **Fritsche** and seconded by **Canavan** to close the public hearing. **Ayes: Papazian, Fritsche, Freedman, Canavan, Tucker, Giannone, and Pauch. No Nays. Motion Carried.**

A motion was made by **Fritsche** and seconded by **Pauch** to approve the request for a “D” Variance, they have agreed to comply with both planner and engineer letters. In addition, the recording of a deed with the resolution containing a time limitation and also that the Board found this variance could be granted due to the satisfaction of the purposes of the Municipal Land Use Law letters, (a), (e), (g), and (i) of the 40:55D-2, in addition the variance could be granted without substantial detriment of the intent purposes of the zoning law. **Ayes: Papazian, Fritsche, Freedman, Canavan, Tucker, Giannone, and Pauch. No Nays. Motion Carried.**

Chair Rochelle presided over the Board again at 8:26pm.

- K Street – Site Plan – Completeness Review
Block 15 Lot 10
681 Cty Road 513

Katrina Campbell of Lavery, Selvaggi, Abromitis & Cohen on behalf of K Street holdings along with the applicant’s engineer were present on behalf of the applicant. **Papazian** recused himself at 8:27pm. **Decker** reviewed his completeness letter dated February 12, 2021 outlining the number of items that have been submitted. There were a few checklist items that had not been submitted. The property in question has an existing kennel from a prior use. They are proposing to repurpose that kennel, continue to use it as a kennel, fix up the inside with minor improvements to the site within the existing parking area, basically putting in some new pavement and restriping the designated 15 parking spaces. The site improvements are very limited. It is on a preserved farm within the non-severable exception area. That area is exempt from the restrictions of the Farmland Preservation, however is subject to zoning. The AR zone does permit kennels however as a conditional use. Based on his review of the Ordinance and plans

he believes that they will qualify as a conditional use. The applicant has satisfied the conditions; the improvements are very limited. The waiver checklist items that have been identified are A-10, A-15, E-9, E-16 & E-18. He is recommending that these waivers be granted for completeness purposes. A-10 includes copies of existing protective covenants and any deed restrictions describing the property's non-severable exception area should be submitted with the application to complete the file, however, this is within the exception area. Item A-15, a signed certification on the drawing, by the owner, that the applicant is either the owner of the land which is the subject of the development application or is authorized by the owner to make the application. This certification was submitted with the application but is not on the plan. Signature may be added to the plan at a later date. Item E-9 is a key map at a scale of 1-inch equals not more than one thousand feet with lot and block numbers showing the entire tract with respect to lots, streets, and zoning districts within one-half mile of the subject property. There is an aerial key map that is shown but it does not show all the lot lines. Existing lot lines within one half mile of the subject property are missing from the key map. E-16 The total impervious coverage in square feet and acres must be provided on the plan. Impervious coverage is well within the 10% allowable but is not calculated. E-18 is for natural features map delineating all existing physical features on the site and within two hundred feet thereof. The Cakepoulin Creek is a NJDEP Category 1 Stream and is shown on the plan. The stream's 300-foot riparian zone is not shown. As all proposed improvements are well beyond the riparian zone, a waiver for completeness purposes is recommended.

The only item that the applicant does not have is A-3, a certification from the tax collector that all taxes have been paid to date. Attorney Campbell advised that the check had been mailed. There was some error as the town had the prior owner as the owner of the property which caused a delay. **Chair Rochelle** asked if there could be a temporary waiver. **Wilson** advised it could be waiver temporarily. **Giannone** asked for the substance of the application. **Decker** advised that the application is the field ortho property on 513, there is an existing kennel to the rear. The applicant is proposing to operate the facility for training K-9 dogs for security. The improvements proposed are interior, the only outside improvement is for the existing parking area, which is not well defined. The applicant is proposing additional pavement, striping, and additional lighting as well. That is the extent of the site improvements. He advised there are four or five conditions that need to be satisfied on site to justify the kennel's use. Two conditions are a minimum of 6 acres and no more than 30 dogs kept on site. The proposal is to not have more than 30 kennels and it satisfies those conditions in the ordinance and therefore is basically a permitted use.

Due to the applicant meeting the conditions the ordinance it would be a site plan and not a "d" variance. **Banisch** advised that if at some point during the hearing one of the conditions is not satisfied, then at that point the members of the governing body can stand aside then. **Wilson** advised that the applicant's attorney can cover this in the posting in the newspaper for the public hearing. **Canavan** asked about the kennel including a lunch room and other support functions. He asked if this is the case and if so, is this an existing building. **Decker** confirmed that there were no new structures. The Ms. Campbell, applicant's attorney, advised that this plan has other buildings on it that are not a part of the application or a part of the site plan. There are buildings in the front and there are two exception areas on this property of 81 acres. The 4-acre exception area on the back is where the kennels are. There are residential properties on the front. She advised this is why they are potentially asking for a variance due to the residential use on the property as well. **Deputy Mayor Pfefferle** asked if this is purchased by a business will this makes it a variance. Ms. Campbell responded that the property is owned by Peacefield Management Group to be leased to K Street Holding Group for the use of the K-9 building. She added that their mission is K-9 training and police training, and other types of active shooter drill type training which is all contained in the one building. **Banisch** felt that the conditional use standards could apply to

a business use. There were no other questions from the Board. Mr. Papazian advised the Board that he believes the reason why the variance was requested was because the use is residential/farm and this is a secondary use on the same property. He added the kennel is an allowed use in that zone.

Committeeman Kiernan asked if the parking would be sufficient for larger groups and the number of 30 dogs could mean there will be 30 handlers. **Decker** advised in the conditions there is a schedule for parking requirements. He advised this would be something that could be asked at the public hearing. He added for the purposes of completeness the applicant shows parking. **Pauch** asked about the setback requirements. **Decker** advised it is an existing kennel and that it is in the area of inclusion. The Board will review this during the technical review.

Chair Rochelle asked if there were any questions or comments from the public. There were no questions.

A motion to deem the application complete was made by **Tucker** and seconded by **Pauch** with waivers for A-10, A-15, E-9, E-16, E-18 and also receipt prior to noticing of the tax certification. **Ayes: Chair Rochelle, Fritsche, Freedman, Canavan, Tucker, Giannone, Pauch. No Nays. Motion Carried.**

Ms. Campbell asked for the public hearing to be conducted at a following meeting due to the Board schedule. **Chair Rochelle** advised there is the option to carry if the applicant is not able to be heard due to time constrictions.

- Professionals Resolution - 2021

A motion was made to approve the Professionals Resolution of 2021 of the Land Use Board by **Papazian** and seconded by **Freedman**. **Vote: Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Committeeman Kiernan, Deputy Mayor Pfefferle, Giannone, and Pauch. No Nays. Motion Carried.**

Correspondence

None

Approval of Bills

A motion was made to approve the bills for the professionals of the Land Use Board by **Fritsche** and seconded by **Papazian**. **Vote: Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Committeeman Kiernan, Deputy Mayor Pfefferle, Giannone, and Pauch. No Nays. Motion Carried.**

Comments from the Board/Public

There were no comments from the Board or from the public.

Motion to Adjourn

A motion to adjourn was made by **Pauch** and seconded by **Deputy Mayor Pfefferle** at 8:52pm. **Vote: Ayes: Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Committeeman Kiernan, Deputy Mayor Pfefferle, Giannone, Pauch, Kimsey and Hahola. No Nays. Motion Carried.**

Leigh Gronau, Board Secretary